

1 BILL NO. R-95-05-17

2 RESOLUTION NO. Q-33-95

3
4 A RESOLUTION RATIFYING
5 CONFIRMING AND APPROVING
RESOLUTION 81-306-95 OF
THE FORT WAYNE BOARD OF
PUBLIC WORKS

6 WHEREAS, the Three Rivers Ambulance Authority (TRA) 7 facility at 333 South Clinton Street, owned by the City 8 of Fort Wayne, will have to be relocated to make way for 9 Phase III (Festival Center) of the Headwaters Flood 10 Control and Park Project; and

11 WHEREAS, the Common Council of the City of Fort 12 Wayne adopted Resolution R-59-94 on September 27, 1994, 13 designating TRAA as the City's purchasing agent to 14 acquire through private negotiations the real estate 15 necessary to accommodate a new building for TRAA; and

16 WHEREAS, the Common Council also adopted Special 17 Resolution S-74-94 on September 27, 1994, approving, 18 ratifying, and confirming Fort Wayne Board of Works (BOW) 19 Resolution 93-9-S-1, which Resolution authorizes the 20 initiation of eminent domain proceedings to acquire four 21 parcels of real estate in the TRAA project area which 22 could not be obtained through private negotiations; and

23 WHEREAS, TRAA has informed the BOW that TRAA has 24 been unsuccessful in reaching a negotiated settlement 25 with two additional property owners in the project area, 26 whose real estate is more particularly described as 27 follows:

- 28 a. The East $\frac{1}{2}$ of Lot Number 96 in Lewis Addition to
the City of Fort Wayne, Allen County, Indiana,
according to the recorded plat thereof, more
commonly known as 530 East Brackenridge Street
(Parcel No. 5)

b. The North 35.8 feet of the South 76.6 feet of Lots 101 & 102 in Lewis Addition to the City of Fort Wayne, Indiana, more commonly known as 1427 Clay Street (Key No. 91-3286-0207, Parcel No. 6)

ALSO

The South 40 5/6 feet of the West 55 feet of Lot
101 in Lewis Addition to the City of Fort Wayne,
Indiana, more commonly known as 1431 Clay Street
(Key No. 91-3286-0210, Parcel No. 7)

WHEREAS, the BOW has subsequently adopted Resolution 81-306-95 on May 17, 1995, authorizing the initiation of eminent domain proceeding to acquire the real estate herein described.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Resolution 81-306-95 of the Fort Wayne Board of Public Works, attached hereto, is hereby approved, ratified, and confirmed.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Henry,
seconded by , and duly adopted, read the second time by
title and referred to the Committee on Juris (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on , the day
of , 1995, at 10:00 o'clock M., E.S.T.

DATED: 5-23-95

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by ,
seconded by , and duly adopted, placed on its passage.
PASSED HOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				
EDMONDS	<u>✓</u>			
GIAQUINTA				
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-13-95

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. Q-33-95
on the 13th day of June, 1995

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 14th day of June, 1995,
at the hour of 11:30 o'clock A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of June,
1995, at the hour of 1:00 o'clock P.M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. R-95-05-17

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) RATIFYING CONFIRMING AND
AND APPROVING RESOLUTION 81-306-95 OF THE FORT WAYNE BOARD OF PUBLIC
WORKS

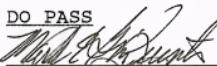
HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

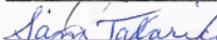
DO NOT PASS

ABSTAIN

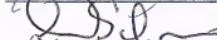
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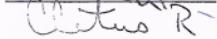












DATED: 6-13-95.

Sandra E. Kennedy
City Clerk

BOARD OF PUBLIC WORKS

RESOLUTION NUMBER 81-306-95

RESOLUTION APPROVING THE CONDEMNATION OF REAL ESTATE
(THREE RIVERS AMBULANCE AUTHORITY)

Whereas, the Fort Wayne Board of Public Works has adopted Resolution 93-9-S-1 on July 13, 1994, identifying four parcels of real estate (Real Estate) for acquisition by eminent domain for purposes of erecting a building to be leased to Three Rivers Ambulance Authority (TRAAC); said acquisition is necessitated by the relocation of the existing TRAA facility at 333 South Clinton Street brought about by the Headwaters Park Project; and

Whereas, the Fort Wayne Common Council subsequently adopted Special Resolution S-74-94 on September 27, 1994, ratifying, confirming and approving Board of Works Resolution 93-9-S-1; and

Whereas, the Common Council, also on September 27, 1994, adopted Resolution R-59-94 designating TRAA as the City's purchasing agent to acquire through private negotiations the portion of the building site not identified for acquisition by eminent domain; and

Whereas, pursuant to the adoption of said Resolution 93-9-S-1, and the approval of said Resolution by Council, the Board of Works on March 15, 1995 approved an Intergovernmental Agreement with the Fort Wayne Redevelopment Commission, employing the Commission as the Board's agent in the acquisition of the Real Estate; and

Whereas, the Redevelopment Commission subsequently adopted Resolution 95-17 approving the Intergovernmental Agreement with the Board of Works; and

Whereas, TRAA has informed the City that it will be necessary to acquire additional parcels of real estate through eminent domain due either to the failure of private negotiations or to defects in title which may not be resolved without causing significant delay to the project; and

Whereas, said additional parcels of real estate are identified as follows:

- a. The East ½ of Lot Number 96 in Lewis Addition to the City of Fort Wayne, Allen County, Indiana, according to the recorded plat thereof, more commonly known as 530 East Brackenridge Street (Parcel No. 5).
- b. The North 35.8 feet of the South 76.6 feet of Lots 101 & 102 in Lewis Addition to the City of Fort Wayne, Indiana, more commonly known as 1427 Clay Street (Key No. 91-3286-0207, Parcel No. 6)

ALSO:

The South 40 5/6 feet of the West 55 Lot 101 in Lewis Addition to the City of Fort Wayne, Indiana, more commonly known as 1431 Clay Street (Key No. 91-3286-0210, Parcel No. 7).

NOW, THEREFORE, BE IT RESOLVED BY THE FORT WAYNE BOARD OF PUBLIC WORKS that:

The Board of Works finds the acquisition of the real estate identified herein to be in the public interest.

BE IT FURTHER RESOLVED that the maximum offering price for each of the parcels shall be the average of two appraisals; and

BE IT FURTHER RESOLVED that relocation procedures and payments in accordance with the Indiana Code be offered to the occupants of the real estate; and

BE IT FURTHER RESOLVED that, with the approval of this Resolution by the Common Council of the City of Fort Wayne, Indiana, that the Board of Public Works acquire said real estate by the power of eminent domain through its agent, the Fort Wayne Redevelopment Commission.

Resolved this 17th day of May, 1995.

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk

Linda Buskirk, Chairperson

C. James Owen

C. James Owen, Member

Terrance P. McCaffrey, Member

ATTEST: Patricia J. Crick

Patricia J. Crick, Clerk



= Approved for Condemnation

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BRACKENRIDGE

526-30

Approved this Resolution

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Approved this Resolution

HAYDEN



Fort Wayne Redevelopment Commission

TO: Members of City of Fort Wayne Common Council
FROM: Ronald R. Fletcher, Executive Director *R.F.*
DATE: May 23, 1995
SUBJECT: Acquisition of the Real Estate for the new Three Rivers Ambulance Authority Building

BACKGROUND

Q-95-05-17

The Three Rivers Ambulance Authority (TRAA) will have to move its present facility, a City-owned property at 333 South Clinton Street, to make way for Phase III of the Headwaters Flood Control and Park Project. TRAA has been authorized by the City Council to acquire the real estate for its new building through private negotiations. However, in cases where private negotiations fail, City Council has authorized the Board of Works to acquire the real estate, through its agent, the Fort Wayne Redevelopment Commission, by the power of eminent domain. Four properties have been so identified, and it appears that three of those four will indeed have to be condemned.

TRAA has informed the Board of Works and the Redevelopment Commission that it has been unsuccessful in negotiating a private settlement with two additional property owners, and has requested the City to acquire real estate through eminent domain.

TRAA expects to bid the construction of its new building sometime in June, and anticipates construction to begin in July or August.

HIGHLIGHTS OF THE PROPOSED ORDINANCE

The proposed resolution approves, ratifies, and confirms the Board of Works resolution which approves the acquisition two additional properties through the power of eminent domain.

RECOMMENDATION

I recommend that Council adopt the attached resolution. Land assembly for the new TRAA building must proceed rapidly if TRAA is to meet its construction timetable.

DIGEST SHEET

TITLE OF ORDINANCE Three Rivers Ambulance Authority

DEPARTMENT REQUESTING ORDINANCE Fort Wayne Redevelopment Commission

SYNOPSIS OF ORDINANCE Approves, ratifies and confirms Board of Works Resolution 81-306-95, which authorizes the initiation of eminent domain proceedings against two additional properties in the Three Rivers Ambulance Authority project area

EFFECT OF PASSAGE Condemnation can proceed, land assembly can be completed in a timely manner, and construction of the new Ambulance Authority building can begin on time.

EFFECT OF NON-PASSAGE Land acquisition will be significantly delayed, construction will not begin on schedule, and as a result, Phase III of Headwaters will also be delayed.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

Legal costs associated with filing condemnation and obtaining court-ordered appraisals

ASSIGNED TO COMMITTEE (PRESIDENT)